IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.612 OF 2004

The State of Maharashtra ...Appellant

vs.

Smt.Mariyambibi Amkirmiya Saiyad
(since deceased through L.Rs.)
Abdul Latif Airmiya Saiyad & Ors. ...Respondent

Mr.S.N.Gavade,A.G.P. for State
Mr.S.M.Shettigar for Respondent No.2,4/2 to 8.

CORAM: A.S.OKA,J.
DATE : FEBRUARY 20,2007.

P.C.:

1. Admit. Taken up for hearing forthwith. By the impugned Judgment and Award dated 30th December 2000, the learned second Additional District Judge, Raigad-Alibag has decided a group of References under section 18 of the Land Acquisition Act,1894. In all the References, by the impugned Judgment and Award, the market value at the rate of Rs.15/- has been awarded. By this Appeal the challenge is to the Award in the Land Acquisition Reference No.193 of 1989 has been decided. First Appeal No.1764 of 2006 was preferred by the State of Maharashtra against the same impugned Judgment in so far as it relates to the land acquisition reference No.192 of 1989. First Appeal No.1764 of 2006 has been decided by this Court on 7th August 2006.

2. The Advocates for the parties agree that the present

Appeal will be governed by the said Judgment dated 7th August 2006. Considering the facts of the case, the said submission is correct. Hence, in view of the reasons recorded in the said Judgment delivered in First Appeal No.1764 of 2006, this Appeal is also disposed of by passing the following order :

i) The impugned Judgment and Order passed in Land Acquisition Reference No.193 of 1989 is modified.

ii) The market value of the acquired land fixed by the Reference Court at Rs.15/- per sq. meter is confirmed. However, a deduction of 15% shall be made from the market value on account of development charges. Thus, the market value shall be at the rate of Rs.12.75 per sq. meter.

iii) The Respondents will be entitled to the benefits under section 23(1)(A), section 23(2) and section 28 of the Land Acquisition Act,1894. The Respondents will be entitled to proportionate costs of reference.

iv) The Reference Court will calculate the amount payable to the Respondents within a period of four months from the date of receipt of writ of this order.

v) There will be no order as to costs.

JUDGE